IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.670 OF 2007

Umesh Shamrao Dedge ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.M.S.Mohite, Advocate for the Applicant.
Ms.S.V.Gajre, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 6th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is facing prosecution in a case under the Prevention of Corruption Act. During the course of the trial, the applicant had preferred an application for postponing the cross-examination of PW-1. The said application came to be rejected by the learned Special Judge. Being aggrieved thereby, the applicant preferred Criminal Application No.3748 of 2006 before this Court. This Court by order dated 16.11.2006 allowed the said application and granted

permission to cross-examine PW-1. However, in the said order it is made clear that on the day on which PW-1 remains present, the Advocate for the applicant will have to cross-examine the said witness and no adjournment will be granted.

3. It is the prosecution case that the applicant has made demand in respect of some medical bills. Hence application was preferred by the applicant for calling original medical bills, especially in view of the fact that there was some scoring/overwriting in respect of the medical bills. This application was preferred on the day when the PW-1 had been recalled pursuant to the order of this Court dated 16.11.2006. The said application came to be rejected mainly on the ground that High Court has specifically stated that the matter shall not be adjourned.

4. The learned APP admits that the said medical bills are the crux of this prosecution case and they are relevant and important documents in order to decide the trial.

5. Looking to all these facts, in the interest

of justice I am of the opinion that one opportunity ought to be given to the applicant and hence the application for producing muddemal articles 2 & 3 is allowed. On these documents being produced, one opportunity be given to the applicant to recall and cross-examine PW-1.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)